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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,111	02/26/2004	Masayuki Nishimoto	04329.3252	1843
22852	7590	08/23/2007	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ADEGEYE, OLUWASEUN	
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
08/23/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/786,111	NISHIMOTO ET AL.
	Examiner Oluwaseun A. Adegeye	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02/26/2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 - 5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 - 5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/06, 11/05</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The references listed on the information disclosure statement filed on 11/10/2005 and 01/05/2006 have been considered by the examiner (see attached PTO – 1449).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by McVeigh et al (US 2003/0185542 A1).

As to claim 1, McVeigh discloses a video data recording apparatus (108) comprising:

a first encoder section (104) encoding input video data at a first compression rate (MPEG-4) (see [012] and [015]) and ;

a second encoder section (106) encoding the input video data at a second compression rate (MPEG-2) (see [012] and [015]); and

a storage section (116) storing the video data encoded by the first encoder section and the video data encoded by the second encoder section while associating the encoded video data with each other (see [014], [015] and [024]).

As to claim 5, McVeigh discloses a method of recording video data, comprising:  
encoding input video data at a first compression rate (MPEG-2) (see [012] and [015]);

encoding the input video data at a second compression rate (MPEG-4) (see [012] and [015]);

recording the video data encoded at the first compression rate and the second compression rate while associating the encoded video data with each other (see [014], [015] and [024]); and

transferring the video data encoded at the second compression rate to a mobile device when transfer to the mobile device is instructed (see [015], [018], [025]).

As to claim 2, McVeigh discloses the recording apparatus according to claim 1, further comprising:

a management section managing the video data stored in the storage section as video files (see [019], [020] and [031] – [033]); and

a transfer section transferring the video data compressed at the second compression rate to a mobile device when transfer of the video files to the mobile device is instructed (see [018] and [024]).

As to claim 3, McVeigh discloses the recording apparatus according to claim 1, further comprising:

a management section managing the video data stored in the storage section as video files (see [019], [020] and [031] – [033]) ; and

a transfer section transferring the video data compressed at the second compression rate to a memory card when transfer of the video files to the memory card is instructed (see [018 and [024]. A memory card uses flash memory).

As to claim 4, McVeigh discloses the recording apparatus according to claim 1, further comprising:

a management section managing the video data stored in the storage section as video files (see [019], [020] and [031] – [033]);

a first display section (342) displaying the video files of the video data of identical contents stored in the storage section, as a single file (see [031] – [033]);

a second display section (344) displaying the video files of the video data of identical contents stored in the storage section, as different files (see [031] – [033]); and

a section instructing any one of the first and second display sections to execute the displaying (see [017]).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2003/0133032 discloses encoders and storage mediums.

***Inquiries***

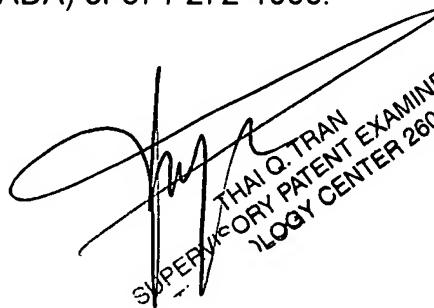
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluwaseun A. Adegeye whose telephone number is 571-270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

08/13/2007

O.A



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